



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/917,433	07/27/2001	Laurence Lee	P430.12-0002	2032

7590 11/06/2003

Z. Peter Sawicki
WESTMAN, CHAMPIN & KELLY
Suite 1600
International Centre, 900 Second Avenue South
Minneapolis, MN 55402-3319

EXAMINER

TSOY, ELENA

ART UNIT

PAPER NUMBER

1762

DATE MAILED: 11/06/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

AS

Office Action Summary	Application No.	Applicant(s)	
	09/917,433	LEE ET AL.	
	Examiner	Art Unit	
	Elena Tsoy	1762	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 13-19 and 26-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 13-19 and 26-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ | 6) <input type="checkbox"/> Other: _____ |

Response to Amendment

1. Applicant's request for reconsideration filed on September 17, 2003 has been noted. Claims 13-19, 26-30 are pending in the application.

Claim Objections

2. Claim 19 is objected to under 37 CFR 1.75(c), as being of improper dependent form for failing to further limit the subject matter of a previous claim. Applicant is required to cancel the claim(s), or amend the claim(s) to place the claim(s) in proper dependent form, or rewrite the claim(s) in independent form. Limitation about monitoring process parameters of claim 9 is already recited in claim 13 so that limitations of claim 19 are substantially identical to that of claim 13.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. **Claims 13-16, 18, 19, 26-30** stand rejected under 35 U.S.C. 103(a) as being unpatentable over Glatt et al (US 4,858,552) in view of Reynolds (US 3,354,863), further in view of Luy et al (US 5,631,102), and further in view of Cody et al (US 4,993,264).

Glatt et al in view of Reynolds in view of Luy et al are applied here for the same reasons as set forth in the Office Action mailed on June 16, 2002 (Paper No. 8).

Glatt et al in view of Reynolds in view of Luy et al fail to teach that an inlet air temperature, a product temperature, a spray liquid temperature, a spray nozzle temperature, an atomizing air temperature, a spray liquid line temperature, a coating zone temperature, a fluidizing gas flow, and atomizing gas pressure are monitored.

Cody et al teach that pressure, temperature and net volume or mass flow are the normal way of monitoring the state of fluidization within a fluidized bed or while a unit is operating (See column 2, lines 27-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have monitored an inlet air temperature, a product temperature, a spray liquid temperature, a spray nozzle temperature, an atomizing air temperature, a spray liquid line temperature, a coating zone temperature, a fluidizing gas flow, and atomizing gas pressure in a process of Glatt et al in view of Reynolds in view of Luy et al for coating particles with the expectation of providing the desired normal coating operation since Cody et al teach that pressure, temperature and net volume or mass flow are the normal way of monitoring the state of fluidization within a fluidized bed or while a unit is operating.

5. **Claim 17** stands rejected under 35 U.S.C. 103(a) as being unpatentable over Glatt et al (US 4,858,552) in view of Reynolds (US 3,354,863), further in view of Luy et al (US 5,631,102), further in view of Biehl et al (US 4,217,851), and further in view of Cody et al (US 4,993,264).

Glatt et al in view of Reynolds in view of Luy et al in view of Biehl et al are applied here for the same reasons as set forth in the Office Action mailed on June 16, 2002 (Paper No. 8).

Glatt et al in view of Reynolds in view of Luy et al in view of Biehl et al fail to teach that an inlet air temperature, a product temperature, a spray liquid temperature, a spray nozzle

temperature, an atomizing air temperature, a spray liquid line temperature, a coating zone temperature, a fluidizing gas flow, and atomizing gas pressure are monitored.

Cody et al teach that pressure, temperature and net volume or mass flow are the normal way of monitoring the state of fluidization within a fluidized bed or while a unit is operating (See column 2, lines 27-30).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have monitored an inlet air temperature, a product temperature, a spray liquid temperature, a spray nozzle temperature, an atomizing air temperature, a spray liquid line temperature, a coating zone temperature, a fluidizing gas flow, and atomizing gas pressure in a process of Glatt et al in view of Reynolds in view of Luy et al in view of Biehl et al for coating particles with the expectation of providing the desired normal coating operation since Cody et al teach that pressure, temperature and net volume or mass flow are the normal way of monitoring the state of fluidization within a fluidized bed or while a unit is operating.

Response to Arguments

6. Applicants' arguments filed September 17, 2003 have been fully considered but they are not persuasive.

Applicants state that the Examiner's rejection was not fully understood.

In the rejection of independent claims 13, 26 and 30, limitations of claim 19, were not addressed. For this reason, the Examiner made Non-Final rejection where new added limitations of claim 19 were addressed.

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Elena Tsoy whose telephone number is (703) 605-1171. The examiner can normally be reached on Mo-Thur. 9:00-7:30, Mo-Thu.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Shrive Beck can be reached on (703) 308-2333. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9306 for all communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0661.



Elena Tsoy
Examiner
Art Unit 1762



MICHAEL BARR
PRIMARY EXAMINER

October 31, 2003